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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,999	04/17/2006	Jayshree Bharatia	16469RRUS03N	9376
Docket Clerk P.O. Drawer 800889 Dallas, TX 75380			EXAMINER PATEL, MUNJALKUMAR C	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 07/21/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/575,999

**Applicant(s)**

BHARATIA ET AL.

**Examiner**

Munjal Patel

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1-6, 8, 12-15, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Smith (US PG PUB # US 2002/0042277 A1)** herein after referred as **Smith** as applied to claims above, and further in view of **Zonoun (WIPO # WO 02/33897 A2)** herein after referred as **Zonoun**.

4. **Consider claim 1, Smith** discloses a method of subscriber information service center which reads on a method of obtaining location information for emergency services comprising the steps of:

receiving a first request message from the multimedia in response to the multimedia server receiving an request message from user equipment (UE) **Smith: Fig**

**6:85 & ¶ 0045);**

communicating a location request in response to receiving the first request message **(Smith: Fig 6:87, 88 & ¶ 0046);**

receiving a location response in response to communicating the location request **(Smith: Fig 6:89, 91, 92 & ¶ 0047 lines [1-14])** , the location response comprising location information of the UE **(Smith: Fig 6:89, 91, 92 & ¶ 0046);** and

communicating a second request message to the multimedia server in response to receiving the location response **(Smith: Fig 6:93, 94 & ¶ 0047 lines [14-19])**, **except, Smith** fails to disclose receiving a first request message from the multimedia server **(Smith: Fig 6:85 & ¶ 0045)** in response to the multimedia server receiving an emergency request message from user equipment (UE).

In a similar field of endeavor **Zonoun** discloses a sending an emergency indication over a packet based network. In addition, **Zonoun** discloses receiving a first request message from the multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE) **(Zonoun: Fig 2 – 8 and page 8 lines [10-25] discloses UE sending emergency request using SIP protocol/H.323 to multimedia server and in response to emergency request message Multimedia server establishes call session).**

**Therefore**, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well known teaching of **Zonoun** into the system of **Smith** in order to provide faster response in emergency situation **(Zonoun: page 2 lines [1-6]).**

5. **Consider claim 2, Smith in view of Zonoun** discloses everything in claim 1 as above wherein the multimedia server is a serving control session control function server **(Smith: Fig 5: 61 & Fig 6 describes SISC server which handles serving control and session control functionality)**. This claim is rejected for the same motivation as claim 1.

6. **Consider claim 3, Smith in view of Zonoun** discloses everything in claim 1 as above wherein the multimedia server is a Session Initiation Protocol enabled server **(Smith: Fig 5: 61 & Fig 6 describes multimedia server is SIP enabled server)**. This claim is rejected for the same motivation as claim 1.

7. **Consider claim 4, Smith in view of Zonoun** discloses everything in claim 1 as above wherein the method is performed at session initiation **(Smith: Fig 6 & ¶ 0049 lines [28-32])**. This claim is rejected for the same motivation as claim 1.

8. **Consider claim 5, Smith in view of Zonoun** discloses everything in claim 1 as above, wherein the first request is a Session Initiation Protocol INVITE request message **(Smith: Fig 6, ¶ 0047 lines [7-8] & ¶ 0049 lines [28-32] )**. This claim is rejected for the same motivation as claim 1.

9. **Consider claim 6, Smith in view of Zonoun** discloses everything in claim 1 as above, wherein the location request is a mobile terminal location request **(Smith: Fig 6:**

**85 & ¶ 0043 lines[4-8]).** This claim is rejected for the same motivation as claim 1.

10. **Consider claim 8, Smith in view of Zonoun** discloses everything in claim 1 as above, wherein the second request is a Session Initiation Protocol INVITE request message (**Smith: Fig 6, ¶ 0047 lines [13-14]**). This claim is rejected for the same motivation as claim 1.

11. **Consider claim 12, Smith** discloses a method of obtaining location information for emergency services comprising the steps of:

receiving a first request message from a multimedia server (**Smith: Fig 2:27 & ¶ 0023**) in response to the multimedia server receiving a request message from user equipment (UE) (**Smith: Fig 2:27 & ¶ 0023, Fig 6:85 & ¶ 0045**);

communicating a request for routing information in response to receiving the first request message (**Smith: Fig 2: 28 & 3: 36**);

receiving a routing information acknowledgement in response to communicating the request for routing information (**Smith: Fig 2:32 ¶ 0025 lines [1-4]**), the routing information acknowledgement comprising at least a one of location information of the UE and routing information associated with the UE enabling a request for location information of the UE (**Smith: Fig 2:32 & ¶ 0025 lines [1-4] discloses geographic location information**); and

communicating a second request message to the multimedia server in response to receiving the request for routing information acknowledgement (**Smith: Fig 2:33 & ¶**

**0025 lines [4-13]],** except, **Smith** fails to disclose receiving a first request message from a multimedia server (**Smith: Fig 2:27 & ¶ 0023**) in response to the multimedia server receiving an emergency request message from user equipment (UE).

12. In a similar field of endeavor **Zonoun** discloses a Sending an emergency indication over a packet based network. In addition, **Zonoun** discloses receiving a first request message from the multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE) (**Zonoun: Fig 2 – 8 and page 8 lines [10-25] discloses UE sending emergency request using SIP protocol/H.323 to multimedia server and in response to emergency request message Multimedia server establishes call session**).

13. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well known teaching of **Zonoun** into the system of **Smith** in order to provide faster response in emergency situation (**Zonoun: page 2 lines [1-6]**).

14. Consider claim 13, **Smith** in view of **Zonoun** discloses everything in claim 12 as above, wherein the multimedia server is a serving control session control function server (**Smith: Fig 5: 61 & Fig 6 describes SISC server which handles serving control and session control functionality**). This claim is rejected for the same motivation as claim 12.

15. Consider claim 14, **Smith** in view of **Zonoun** discloses everything in claim 12 as

above, wherein the multimedia server is a Session Initiation Protocol enabled server **(Smith: Fig 5: 61 & Fig 6 describes multimedia server is SIP enabled server)** . This claim is rejected for the same motivation as claim 12.

16. **Consider claim 15, Smith** in view of **Zonoun** discloses everything in claim 12 as above, wherein the first request is a Session Initiation Protocol INVITE request message **(Smith: Fig 6, ¶ 0047 lines [7-8] & ¶ 0049 lines [28-32] )** . This claim is rejected for the same motivation as claim 12.

17. **Consider claim 18, Smith in view of Zonoun** discloses everything in claim 12 as above, wherein the second request is an INVITE request message **(Smith: Fig 6, ¶ 0047 lines [13-14])** . This claim is rejected for the same motivation as claim 12.

18. **Claims 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Smith** in view of **Zonoun** and further in view of **Takeda et al (US Patent # US 7,286,520 B2)** herein after referred as **Takeda**.

**Consider claim 9, Smith** discloses a communication system comprising:  
a multimedia server **(Smith: Fig 5: 61)** for receiving a request message from user equipment (UE) and, in response thereto, generating a first request message;  
a location application server **(Smith: Fig 5: 67)** communicatively coupled to the multimedia server **(Smith: Fig 5:61 is communicatively coupled to 67)** for receiving



the first request message and generating a one of a location request and a routing information request;

a gateway server (**Smith: Fig 5:66 & ¶ 0041 describes MGW**) communicatively coupled to the location application server (**Smith: Fig 5: 67 is communicatively coupled to 66**) for receiving a one of the location request and the routing information request, and for generating an acknowledgement response comprising at least a one of location information of the UE and routing information associated with the UE enabling a request for location information of the UE; and  
wherein the location application server is operable for receiving the acknowledgement response and for communicating at least a one of the location information and the routing information to the multimedia server (**Examiner interprets this underlined section of amended claim as intended use of system claimed which is not given patentable weight**). **except, Smith** fails to disclose a multimedia server (**Smith: Fig 5: 61**) for receiving an emergency request message from user equipment (UE) and, in response thereto, generating a first request message, and receiving a first request message from the a multimedia server (**Smith: Fig 6:85 & ¶ 0045**) in response to the multimedia server receiving an emergency request message from user equipment (UE).

19. In a similar field of endeavor **Zonoun** discloses a Sending an emergency indication over a packet based network. In addition, **Zonoun** discloses receiving a first request message from the multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE) (**Zonoun: Fig 2 – 8 and page 8 lines [10-25] discloses UE sending emergency request using SIP**

**protocol/H.323 to multimedia server and in response to emergency request message Multimedia server establishes call session).**

20. **Therefore**, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well known teaching of Zonoun into the system of **Smith** in order to provide faster response in emergency situation (**Zonoun: page 2 lines [1-6]**), **except**, **Smith** in view of **Zonoun** only briefly discloses use of SIP protocol.

21. In a similar field of endeavor **Takeda** discloses a Mobile terminal equipment and packet communication method between terminals. In addition, **Takeda** discloses receiving a multimedia server (**Takeda: Fig 20: 40**) for receiving an emergency request message from user equipment (UE) and, in response thereto, generating a first request message (**Takeda: Fig 20: 201A, 201, 202 & 202A**).

22. **Therefore**, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well known teaching of Takeda into the system of **Smith** in view of **Zonoun** in order to shorten transfer delay time of data packets on a mobile IP communication network and reduced fluctuation in transfer time (**Takeda: Column 4 lines [5-10]**).

23. **Consider claim 10**, **Smith** in view of **Zonoun & Takeda** discloses everything in claim 9 as above, wherein the multimedia server is a session initiation protocol enabled server (**Smith: Fig 5: 61 & Fig 6 describes multimedia server is SIP enabled server**). This claim is rejected for the same motivation as claim 9.

24. **Consider claim 11, Smith** in view of **Zonoun & Takeda** discloses everything in claim 9 as above, except **Smith** in view of **Zonoun & Takeda** fails to disclose multimedia server is an H.323 enabled server as cited above.
25. **In a similar field of endeavor Zonoun** discloses a Sending an emergency indication over a packet based network. In addition, **Zonoun** further discloses multimedia server is an H.323 enabled server (**Zonoun: page 8 lines [21-24]**).
26. **Therefore**, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the well known teaching of **Zonoun** into the system of **Smith** in view of **Zonoun & Takeda** in order to provide mobile terminal equipment and a packet communication method between terminals realizing shortened transfer delay time of data packets on a mobile IP communication network (**Zonoun: Column 2 lines [1-6]**).

***Response to Arguments***

27. Applicant's arguments filed 05/04/2010 have been fully considered but they are not persuasive.
- a. Applicant's argument on page 7 ¶ 0002 - page 7 ¶ 0003 regarding Smith's company representative 81 can't be deemed equivalent to Applicant's recited multimedia server". However, the Examiner respectfully disagree with Applicant's assumption and interpretation as Smith clearly discloses in Fig 6 that company representative interacts with SIP server with a request that handles SMS, text, data or voice calls (¶ 0042 discloses mobile or laptop connected to SIP server), hence the Examiner's interpretation of multimedia server.

- b. Applicant's argument on page 7 ¶ 0004 - page 8 ¶ 0001 regarding nowhere in Office Action, the Examiner points out which elements in Zonoun are UE and multimedia server & "No multimedia server has been specifically described or identified in Zonoun". However, the Examiner respectfully disagrees with as this and previous Office Action clearly cites Zonoun: Figs. 2 – 8 and page 8 lines [10-25] discloses UE sending emergency request using SIP protocol/H.323 to multimedia server and in response to emergency request message multimedia server establishes call session. Here, the Examiner like to point out that H.323 defines the protocol (according to ITU-T) to provide audio-visual communication session on a packet network (i.e., multimedia protocol and hence presence of multimedia server to handle the protocol accordingly).
- c. In response to Applicant's argument on page 8 ¶ 0002 – page 8 ¶ 0003 that "Zonoun fails to disclose emergency dispatch center 112 receives a request message from an intermediate device, the emergency dispatch center 112 communicate a location request (to somewhere) and then the emergency dispatch center 112 apparently must communicate a second request message to the intermediate device and hence its not logical or practical" & company representative issues a request while Zonoun generates emergency call, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references

would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

d. In response to Applicant's argument on page 8 ¶ 0003 – page 9 ¶ 0001 regarding "comparison between regular call request from company representative is not comparable/equivalent to Zonoun's & Takeda's emergency call hence not replaceable", the fact that Applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Munjal Patel whose telephone number is (571)270-5541. The examiner can normally be reached on 9:30-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. P./  
Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/  
Supervisory Patent Examiner, Art Unit 2617